

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

DARRICK EDWARD WRENN, )  
v. )  
Plaintiff, )  
OKLAHOMA OFFICE OF THE ATTORNEY )  
GENERAL, ET AL., )  
Defendants. )  
Case No. CIV-24-00230-JD

## ORDER

On June 13, 2024, the Court entered an Order instructing Plaintiff to show cause why this action should not be dismissed without prejudice for failure to effect service of process within 90 days after filing the complaint. [Doc. No. 6]. The Court warned Plaintiff that it would dismiss the action without prejudice if Plaintiff failed to comply with the Order. Plaintiff filed a letter on June 20, 2024. [Doc. No. 7]. Construing Plaintiff's letter as a request for an extension of time to complete service under Federal Rule of Civil Procedure 4(m), the Court grants the request as outlined in this Order.

District courts in the Tenth Circuit “employ a two-step analysis for dismissal pursuant to Rule 4(m).” *Womble v. Salt Lake City Corp.*, 84 F. App’x 18, 20 (10th Cir. 2003) (unpublished). First, if the plaintiff shows good cause for the failure to timely serve a defendant, the Court must extend the deadline for an “appropriate period.” *Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995) (citing Fed. R. Civ. P. 4(m)). Second, “[i]f the plaintiff fails to show good cause, the district court must still consider whether a permissive extension of time may be warranted.” *Id.*

Without opining on whether the response shows good cause for a mandatory extension, *cf. Espinoza*, 52 F.3d at 841 (citing cases where no good cause shown), the Court finds that, given the showing in Plaintiff's response, a permissive extension of **thirty (30) days** from today would be appropriate.

IT IS THEREFORE ORDERED that Plaintiff shall have 30 days or until **July 24, 2024**, in which to effect service on Defendants Oklahoma Office of the Attorney General, Scott Pruitt, Mike Hunter, John O'Connor, Candace Arnold, James Hughes, Lory Dewey, Oklahoma Health Care Authority, Joel Nico Gomez, Kevin Corbett, Jeremiah Streck, Travis Kirkpatrick, Traylor Rains, Wendy Larsen, Melinda Thomason, Lisa Gifford, Carrie Evans, Oklahoma Medicaid Fraud Control Unit, Thomas Siems, Mykel Fry, Charles Dickens, Raymond Charles Winter, Bill Brooks, and Nicole Nantais. Unless service is waived, proof of service must be filed with the Court by July 24, 2024. If service is waived, proof of waiver must be filed by July 24, 2024. Otherwise, at the expiration of that time period, the Court will dismiss this action without prejudice under Rule 4(m) as to any defendant not served.

IT IS SO ORDERED this 24th day of June 2024.



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JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE